

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 262 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 20-12-0.5-8, AS AMENDED BY P.L.24-2003,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2004]: Sec. 8. The commission shall have the following
6 powers and duties:

7 (1) To develop, continually keep current, and implement a long
8 range plan for postsecondary education. In developing this plan,
9 the commission shall take into account the plans and interests of
10 the state private institutions, anticipated enrollments in state
11 postsecondary institutions, financial needs of students and other
12 factors pertinent to the quality of educational opportunity available
13 to the citizens of Indiana. The plan shall define the educational
14 missions and the projected enrollments of the various state
15 educational institutions.

16 (2) To consult with and make recommendations to the
17 commission on vocational and technical education within the
18 department of workforce development on all postsecondary
19 vocational education programs. The commission shall biennially
20 prepare a plan for implementing postsecondary vocational
21 education programming after considering the long range state plan
22 developed under IC 20-1-18.3-10. The commission shall submit
23 this plan to the commission on vocational and technical education
24 within the department of workforce development for its review
25 and recommendations, and shall specifically report on how the
26 plan addresses preparation for employment.

27 (3) To make recommendations to the general assembly and the
28 governor concerning the long range plan, and prepare to submit
29 drafts and proposed legislation needed to implement the plan. The
30 commission may also make recommendations to the general

1 assembly concerning the plan for postsecondary vocational
2 education under subdivision (2).

3 (4) To review the legislative request budgets of all state
4 educational institutions preceding each session of the general
5 assembly and to make recommendations concerning
6 appropriations and bonding authorizations to state educational
7 institutions including public funds for financial aid to students by
8 any state agency. The commission may review all programs of
9 any state educational institution, regardless of the source of
10 funding, and may make recommendations to the governing board
11 of the institution, the governor, and the general assembly
12 concerning the funding and the disposition of the programs. In
13 making this review, the commission may request and shall receive,
14 in such form as may reasonably be required, from all state
15 educational institutions, complete information concerning all
16 receipts and all expenditures.

17 (5) To submit to the commission on vocational and technical
18 education within the department of workforce development for its
19 review under IC 20-1-18.3-15 the legislative budget requests
20 prepared by state educational institutions for state and federal
21 funds for vocational education. These budget requests shall be
22 prepared upon request of the budget director, shall cover the
23 period determined by the budget director, and shall be made
24 available to the commission within the department of workforce
25 development before review by the budget committee.

26 (6) To make, or cause to be made, studies of the needs for
27 various types of postsecondary education and to make
28 recommendations to the general assembly and the governor
29 concerning the organization of these programs. The commission
30 shall make or cause to be made studies of the needs for various
31 types of postsecondary vocational education and shall submit to
32 the commission on vocational and technical education within the
33 department of workforce development its findings in this regard.

34 (7) To approve or disapprove the establishment of any new
35 branches, regional or other campuses, or extension centers or of
36 any new college or school, or the offering on any campus of any
37 additional associate, baccalaureate, or graduate degree, or of any
38 additional program of two (2) semesters, or their equivalent in
39 duration, leading to a certificate or other indication of
40 accomplishment. After March 29, 1971, no state educational
41 institution shall establish any new branch, regional campus, or
42 extension center or any new or additional academic college, or
43 school, or offer any new degree or certificate as defined in this
44 subdivision without the approval of the commission or without
45 specific authorization by the general assembly. Any state
46 educational institution may enter into contractual agreements with
47 governmental units or with business and industry for specific

1 programs to be wholly supported by the governmental unit or
 2 business and industry without the approval of the commission.

3 (8) If so designated by the governor or the general assembly, to
 4 serve as the agency for the purposes of receiving or administering
 5 funds available for postsecondary education programs, projects,
 6 and facilities for any of the acts of the United States Congress
 7 where the acts of Congress require the state to designate such an
 8 agency or commission. However, this subdivision does not
 9 provide for the designation of the commission by the governor as
 10 the recipient of funds which may be provided by acts of the
 11 United States Congress, received by an agency, a board, or a
 12 commission designated by the general assembly.

13 (9) To designate and employ an executive officer and necessary
 14 employees, to designate their titles, and to fix the compensation in
 15 terms of the employment.

16 (10) To appoint appropriate advisory committees composed of
 17 representatives of state educational institutions, representatives of
 18 private colleges and universities, students, faculty, and other
 19 qualified persons.

20 (11) To employ all powers properly incident to or connected with
 21 any of the foregoing purposes, powers, or duties, including the
 22 power to adopt rules.

23 (12) To develop a definition for and report biennially to the:

24 (A) general assembly;

25 (B) governor; and

26 (C) commission on vocational and technical education within
 27 the department of workforce development;

28 on attrition and persistence rates by students enrolled in state
 29 vocational education.

30 (13) To submit a report to the legislative council not later than
 31 August 30 of each year on the status of the transfer of courses
 32 and programs between state educational institutions. The report
 33 must include any changes made during the immediately preceding
 34 academic year.

35 (14) To direct the activities of the committee, including the
 36 activities set forth in subdivisions (15) and (16).

37 (15) To develop through the committee statewide transfer of
 38 credit agreements for courses that are most frequently taken by
 39 undergraduates.

40 (16) To develop through the committee statewide agreements
 41 under which associate of arts and associate of science programs
 42 articulate fully with related baccalaureate degree programs.

43 (17) To publicize by all appropriate means, including an Internet
 44 web site, a master list of course transfer of credit agreements and
 45 program articulation agreements.

46 **(18) For purposes of assisting state educational institutions**

in setting tuition rates and mandatory fees only, to perform the following functions:

(A) Annually determine the higher education cost of living index, using information developed by the Bureau of Labor Statistics of the United States Department of Labor.

(B) Determine when a student is considered to be a full-time student.

(C) Determine which fees are mandatory fees; however, mandatory fees may not include fees that:

(i) are recommended and supported by students for the funding of student activities and services; or

(ii) provide additional student benefits."

Page 2, delete lines 18 through 23 and insert "fees under section 2 of this chapter, the board of trustees must provide that the tuition and mandatory fees charged a full-time undergraduate student who is a resident of Indiana may be increased by not more than:

(1) a percentage equal to the higher education cost of living index; or

(2) four percent (4%);

whichever is greater, each year for the four (4) consecutive academic years following the academic year in which the student officially accepts the university's offer of admission."

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"(c) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.

(d) Notwithstanding subsection (b), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshman students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or

(2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 3, delete lines 14 through 19 and insert **"fees under section 4 of this chapter, the board of trustees must provide that the tuition and mandatory fees charged a full-time undergraduate student who is a resident of Indiana may be increased by not more than:**

(1) a percentage equal to the higher education cost of living index; or

(2) four percent (4%);

whichever is greater, each year for the four (4) consecutive academic years following the academic year in which the student officially accepts the university's offer of admission."

Page 3, between lines 25 and 26, begin a new paragraph and insert:

"(c) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.

(d) Notwithstanding subsection (b), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshman students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or

(2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 4, line 1, delete "fees (as defined by the commission for" and insert **"fees, the board of trustees must provide that the tuition and mandatory fees charged a full-time undergraduate student who is a resident of Indiana may be increased by not more than:**

(1) a percentage equal to the higher education cost of living index; or

(2) four percent (4%);

whichever is greater, each year for the four (4) consecutive academic years following the academic year in which the student officially accepts the university's offer of admission."

Page 4, delete lines 2 through 6.

Page 4, between lines 12 and 13, begin a new paragraph and insert:

1 **"(e) The general assembly recommends that the board of**
 2 **trustees conduct at least one (1) public hearing before setting the**
 3 **tuition rates and mandatory fees for the university each year. If**
 4 **a public hearing is conducted, at least two (2) members of the**
 5 **board of trustees must be present at the hearing.**

6 **(f) Notwithstanding subsection (d), not later than sixty (60)**
 7 **days after the enactment of the biennial budget bill for state**
 8 **educational institutions, the board of trustees may reset tuition**
 9 **rates and mandatory fees for incoming freshman students.**
 10 **However, an individual who has been offered admission to the**
 11 **university and has officially notified the university of the**
 12 **individual's acceptance of the offer of admission before the board**
 13 **of trustees resets tuition rates and mandatory fees under this**
 14 **subsection shall be charged:**

- 15 **(1) the tuition rates and mandatory fees in effect at the time**
 16 **of the individual's acceptance of the university's offer, if the**
 17 **reset tuition rate and mandatory fees are higher than those**
 18 **in effect at the time of the individual's acceptance; or**
 19 **(2) the reset tuition rate and mandatory fees, if the reset**
 20 **tuition rates and mandatory fees are lower than those in**
 21 **effect at the time of the individual's acceptance."**

22 Page 4, line 40, delete "fees (as defined by the commission for" and
 23 insert **"fees, the board of trustees must provide that the tuition and**
 24 **mandatory fees charged a full-time undergraduate student who is**
 25 **a resident of Indiana may be increased by not more than:**

- 26 **(1) a percentage equal to the higher education cost of living**
 27 **index; or**
 28 **(2) four percent (4%);**

29 **whichever is greater, each year for the four (4) consecutive**
 30 **academic years following the academic year in which the student**
 31 **officially accepts the university's offer of admission."**

32 Page 4, delete lines 41 through 42.

33 Page 5, delete lines 1 through 3.

34 Page 5, between lines 9 and 10, begin a new paragraph and insert:

35 **"(d) The general assembly recommends that the board of**
 36 **trustees conduct at least one (1) public hearing before setting the**
 37 **tuition rates and mandatory fees for the university each year. If**
 38 **a public hearing is conducted, at least two (2) members of the**
 39 **board of trustees must be present at the hearing.**

40 **(e) Notwithstanding subsection (c), not later than sixty (60)**
 41 **days after the enactment of the biennial budget bill for state**
 42 **educational institutions, the board of trustees may reset tuition**
 43 **rates and mandatory fees for incoming freshman students.**
 44 **However, an individual who has been offered admission to the**

1 university and has officially notified the university of the
 2 individual's acceptance of the offer of admission before the board
 3 of trustees resets tuition rates and mandatory fees under this
 4 subsection shall be charged:

5 (1) the tuition rates and mandatory fees in effect at the time
 6 of the individual's acceptance of the university's offer, if the
 7 reset tuition rate and mandatory fees are higher than those
 8 in effect at the time of the individual's acceptance; or

9 (2) the reset tuition rate and mandatory fees, if the reset
 10 tuition rates and mandatory fees are lower than those in
 11 effect at the time of the individual's acceptance."

12 Page 6, line 15, delete "fees (as defined by the commission for" and
 13 insert "fees, the state board must provide that the tuition and
 14 mandatory fees charged a full-time student who is a resident of
 15 Indiana may be increased by not more than:

16 (1) a percentage equal to the higher education cost of living
 17 index; or

18 (2) four percent (4%);

19 whichever is greater, each year for the two (2) consecutive
 20 academic years following the academic year in which the student
 21 officially accepts the college's offer of admission."

22 Page 6, delete lines 16 through 20.

23 Page 6, between lines 25 and 26, begin a new paragraph and insert:

24 "(f) The general assembly recommends that the state board
 25 conduct at least one (1) public hearing before setting the tuition
 26 rates and mandatory fees for the college each year. If a public
 27 hearing is conducted, at least two (2) members of the state board
 28 must be present at the hearing.

29 (g) Notwithstanding subsection (e), not later than sixty (60)
 30 days after the enactment of the biennial budget bill for state
 31 educational institutions, the state board may reset tuition rates
 32 and mandatory fees for incoming freshman students. However, an
 33 individual who has been offered admission to the college and has
 34 officially notified the college of the individual's acceptance of the
 35 offer of admission before the state board resets tuition rates and
 36 mandatory fees under this subsection shall be charged:

37 (1) the tuition rates and mandatory fees in effect at the time
 38 of the individual's acceptance of the college's offer, if the
 39 reset tuition rate and mandatory fees are higher than those
 40 in effect at the time of the individual's acceptance; or

41 (2) the reset tuition rate and mandatory fees, if the reset
 42 tuition rates and mandatory fees are lower than those in
 43 effect at the time of the individual's acceptance."

44 Page 7, line 18, delete "fees (as defined by the commission for" and

1 insert "fees, the university must provide that the tuition and
2 mandatory fees charged a full-time undergraduate student who is
3 a resident of Indiana may be increased by not more than:

4 (1) a percentage equal to the higher education cost of living
5 index; or

6 (2) four percent (4%);

7 whichever is greater, each year for the four (4) consecutive
8 academic years following the academic year in which the student
9 officially accepts the university's offer of admission."

10 Page 7, delete lines 19 through 23.

11 Page 7, between lines 29 and 30, begin a new paragraph and insert:

12 "(d) The general assembly recommends that the university
13 conduct at least one (1) public hearing before setting the tuition
14 rates and mandatory fees for the university each year. If a public
15 hearing is conducted, at least two (2) members of the university's
16 board must be present at the hearing.

17 (e) Notwithstanding subsection (c), not later than sixty (60)
18 days after the enactment of the biennial budget bill for state
19 educational institutions, the university may reset tuition rates and
20 mandatory fees for incoming freshman students. However, an
21 individual who has been offered admission to the university and
22 has officially notified the university of the individual's acceptance
23 of the offer of admission before the university resets tuition rates
24 and mandatory fees under this subsection shall be charged:

25 (1) the tuition rates and mandatory fees in effect at the time
26 of the individual's acceptance of the university's offer, if the
27 reset tuition rate and mandatory fees are higher than those
28 in effect at the time of the individual's acceptance; or

29 (2) the reset tuition rate and mandatory fees, if the reset
30 tuition rates and mandatory fees are lower than those in
31 effect at the time of the individual's acceptance."

32 Page 8, line 10, delete "fees (as defined by the commission for" and
33 insert "fees, the board of trustees must provide that the tuition and
34 mandatory fees charged a full-time student who is a resident of
35 Indiana may be increased by not more than:

36 (1) a percentage equal to the higher education cost of living
37 index; or

38 (2) four percent (4%);

39 whichever is greater, each year for the two (2) consecutive
40 academic years following the academic year in which the student
41 officially accepts the university's offer of admission."

42 Page 8, delete lines 11 through 15.

43 Page 8, after line 21, begin a new paragraph and insert:

44 "(d) The general assembly recommends that the board of

1 trustees conduct at least one (1) public hearing before setting the
 2 tuition rates and mandatory fees for the university each year. If
 3 a public hearing is conducted, at least two (2) members of the
 4 board of trustees must be present at the hearing.

5 (e) Notwithstanding subsection (c), not later than sixty (60)
 6 days after the enactment of the biennial budget bill for state
 7 educational institutions, the board of trustees may reset tuition
 8 rates and mandatory fees for incoming freshman students.
 9 However, an individual who has been offered admission to the
 10 university and has officially notified the university of the
 11 individual's acceptance of the offer of admission before the board
 12 of trustees resets tuition rates and mandatory fees under this
 13 subsection shall be charged:

- 14 (1) the tuition rates and mandatory fees in effect at the time
- 15 of the individual's acceptance of the university's offer, if the
- 16 reset tuition rate and mandatory fees are higher than those
- 17 in effect at the time of the individual's acceptance; or
- 18 (2) the reset tuition rate and mandatory fees, if the reset
- 19 tuition rates and mandatory fees are lower than those in
- 20 effect at the time of the individual's acceptance.

21 SECTION 11. [EFFECTIVE JULY 1, 2004] (a) As used in this
 22 SECTION, "state educational institution" has the meaning set
 23 forth in IC 20-12-0.5-1.

24 (b) A state educational institution shall notify the state budget
 25 committee of the state educational institution's tuition rate and
 26 mandatory fees for the 2005-2006 academic year before December
 27 1, 2004.

28 (c) This SECTION expires December 31, 2004."

29 Renumber all SECTIONS consecutively.

(Reference is to SB 262 as printed January 16, 2004.)

Senator KENLEY

